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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/910,680  | 07/20/2001  | James B. Schrempp    | AMC-01-005          | 2531             |
| 7590 11/17/2004   |             |                      | EXAMINER            |                  |
| Timothy A. Brisson<br>Sierra Patent Group, Ltd.<br>P.O. Box 6149<br>Stateline, NV 89449 |             |                      | PATEL, DHAIRYA A    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2151                |                  |

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/910,680 | <b>Applicant(s)</b><br>SCHREMPF ET AL. |  |
|                              | <b>Examiner</b><br>Dhairya A Patel   | <b>Art Unit</b><br>2151                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/28/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Application # 09/910,680 was filed on 7/20/2001. Claims 1-59 are subject to examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10,15,22,23,25,27,30,41,46,50,56,57,58 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 10,15,41 and 46, the applicant mentions "...using musical score output of a musical transcription system." It is unclear to the examiner as to the meaning of "musical transcription system". In the specification "musical transcription system" is not clearly defined.

As per claim 22,23,25,27,30,50,56,57 and 58, the applicant mentions "approximately real time". Therefore the above claims are considered indefinite because it mentions "approximately real time" which is considered indefinite.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8,11-13,16-17,24,26,31-34,36-39,42-44,47-48,51-55,57-59 are rejected under 35 U.S.C. 102(b) as being unpatentable by Blum et al. U.S. Patent # 5,918,223 (hereinafter Blum).

2. As per claim 1, Blum teaches a playlist generation system comprising:
  - at least one analysis module for receiving and analyzing an unknown work and generating a corresponding representation thereof; (column 5 lines 41-49)  
(column 5 lines 64-67, column 6 lines 1-10).
  - at least one identification (ID) server for receiving said representation from said at least one analysis module and determining the identity of said unknown work.  
(column 5 lines 64-67, column 6 lines 1-10).
3. As per claim 2, Blum teaches the system of claim 1, wherein said at least one analysis module further includes an input port configured to receive said unknown work from a networked source. (Fig. 1 element 112) (column 5 lines 29-40),
4. As per claim 3, Blum teaches the system of claim 1, wherein said at least one analysis module further includes an input port configured to receive said unknown work from a broadcast source. (column 5 lines 29-40)
5. As per claim 4, Blum teaches the system of claim 1, wherein said at least one analysis module further includes an input port configured to receive said unknown work in the form of a pre-broadcast digital form. (Column 2 lines 52-58)

6. As per claim 5, Blum teaches the system of claim 1, wherein said at least one analysis module and said at least one ID server may be coupled over a network.  
(column 5 lines 29-40)
7. As per claim 6, Blum teaches the system of claim 5, wherein said network comprises the Internet. (column 5 lines 29-40)
8. As per claim 7, Blum teaches the system of claim 1, wherein said corresponding representation comprises feature vectors. (Column 5 lines 50-62) (Column 6 lines 7-10).
9. As per claim 8, Blum teaches the system of claim 1, wherein said corresponding representation comprises a spectral representation of said unknown work.  
(Column 6 lines 23-38)
10. As per claim 11, Blum teaches the system of claim 1, wherein said corresponding representation comprises a bit calculated key. (column 6 lines 13-22)
11. As per claim 12, Blum teaches the system of claim 1, wherein said ID server is configured to identify said unknown work using feature vectors. (Column 5 lines 50-62) (Column 6 lines 7-10).
12. As per claim 13, Blum teaches the system of claim 1, wherein said ID server is configured to identify said unknown work using a spectral representation of said unknown work. (Column 6 lines 23-38)
13. As per claim 16, Blum teaches the system of claim 1, wherein said ID server is configured to identify said unknown work using a bit calculated key. (Column 6 lines 13-22)

14. As per claim 17, Blum teaches the system of claim 1, wherein said at least one analysis modules are further configured to receive a plurality of streaming sources for analysis at a single location. (Column 6 lines 6-10) (column 1 lines 53-67)
15. As per claim 24, Blum teaches the system of claim 1, wherein said ID server is further configured to generate a playlist of identified works. (column 6 lines 6-10)
16. As per claim 26, Blum teaches the system of claim 1, wherein said at least one ID server is further configured to provide an identification of said unknown work back to the corresponding source analysis module. (column 6 lines 6-10).
17. As per claim 31, Blum teaches a method for automatically generating a playlist comprising:
- receiving, by at least one analysis module, an unknown work (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10);
  - generating, by said at least one analysis module, a representation of said unknown work (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10); and
  - sending, by said at least one analysis module, said representation to at least one identification server.(column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10).
18. As per claim 32, Blum teaches the method of claim 31, further comprising the act of identifying, by said identification server, said unknown work based upon said

representation. (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10)

19. As per claim 33, Blum teaches the method of claim 32, further comprising the act of storing said identification in a playlist database. (Column 6 lines 6-10).

20. As per claim 34, Blum teaches the method of claim 32, further comprising the act of sending, by said identification server, said identification to said at least one analysis module. (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10)

21. As per claim 36, Blum teaches the method of claim 31, wherein said acts of receiving and sending are performed over a network. (column 5 lines 29-40)

22. As per claim 37, Blum teaches the method of claim 36, wherein said acts of receiving and sending are performed over the Internet. (column 5 lines 29-40)

23. As per claim 38, Blum teaches the method of claim 31, wherein said representation comprises feature vectors. (Column 5 lines 50-62) (Column 6 lines 7-10).

24. As per claim 39, Blum teaches the method of claim 31, wherein said representation comprises a spectral representation of said unknown work. (Column 6 lines 23-38)

25. As per claim 42, Blum teaches the method of claim 31, wherein said representation comprises a bit calculated key of the digital signal. (column 6 lines 13-22)

26. As per claim 43, Blum teaches the method of claim 32, wherein said act of identifying is performed using feature vectors. (Column 5 lines 50-62) (Column 6 lines 7-10)

27. As per claim 44, Blum teaches the method of claim 32, wherein said act of identifying is performed using a spectral representation of said unknown work. (Column 6 lines 23-38)

28. As per claim 47, Blum teaches the method of claim 31, wherein said act of identifying is performed using a bit calculated key of the digital signal. (column 6 lines 13-22)

29. As per claim 48, Blum teaches the method of claim 31, wherein said act of receiving, by at least one analysis module, an unknown work includes receiving a plurality of streaming sources for analysis at a single location. (Column 6 lines 6-10) (column 1. lines 53-67)

30. As per claim 51, Blum teaches a method for automatically generating a playlist comprising:

- receiving a representation of an unknown work; (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10);
- identifying said unknown work using said representation (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10); and
- generating a playlist. (Column 6 lines 6-10).

31. As per claim 52, Blum teaches a playlist generation system comprising:



-means for receiving an unknown work (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10);

-means for generating a representation of said unknown work (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10); and

-means for sending said representation to at least one identification server (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10).

32. As per claim 53, Blum teaches the system of claim 52, further including means for identifying said unknown work based upon said representation. (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10).

33. As per claim 54, Blum teaches the system of claim 53, further including means for storing said identification in a playlist database. (Column 6 lines 6-10).

34. As per claim 55, Blum teaches the system of claim 54, further including means for sending said identification to said at least one analysis module. (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10).

35. As per claim 57, Blum teaches the system of claim 52, further including means for generating a playlist of identified works in approximately real time. (Column 6 lines 6-10)(Column 5 lines 50-63)

36. As per claim 58, Blum teaches the system of claim 52, further including means for providing an identification of said unknown work back to the corresponding source analysis module in approximately real time. (Column 6 lines 6-10)(Column 5 lines 50-63).

37. As per claim 59, Blum teaches a playlist generation system comprising:

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- means for receiving an unknown work (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10);
- means for generating a representation of said unknown work; (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10)
- means for sending said representation to at least one identification server. (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10); and
- means for sending an identification of said representation to at least one other computer system. (column 5 lines 41-49) (column 5 lines 64-67, column 6 lines 1-10).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18,25,27,28,49,56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blum in view of Abecassis et al. U.S. Patent # 6,192,340 (hereinafter Abecassis)

38. As per claim 18, Blum teaches the system of claim 1, but fails to teach at least one analysis module is further configured to receive a plurality of streaming sources for analysis a plurality of different access points of the network. Abecassis teaches at least one analysis modules are further configured to receive a plurality of streaming sources for analysis at a plurality of different

access points of the network. (column 11 lines 1-19). It would have been obvious at the time of invention to implement the teaching of Abecassis in the invention of Blum in order to come up with plurality of streaming sources for analysis at a plurality of different access points of the network. The motivation for doing so would have been for getting faster representations since there are plurality of different access points.

39. As per claim 25, Blum teaches the system of claim 1, wherein said ID server is further configured to generate a playlist of identified works received from but does not explicitly show different access points of the networking approximately real time. Abecassis teaches different access points of the networking approximately real time. (column 11 lines 1-19). It would have been obvious at the time of invention to implement the teaching of Abecassis in the invention of Blum in order to show different access points in real time. The motivation for doing so would have been to for getting faster representation since there are plurality of different access points in real time.

40. As per claim 27, the system of claim 18, wherein said ID server is further configured to generate a playlist of identified works in approximately real time. (column 6 lines 6-10)(Column 5 lines 50-63).

41. As per claim 28, the system of claim 27, wherein said at least one ID server is further configured to provide an identification of said unknown work back to the corresponding source analysis module in approximately real time. (column 6 lines 6-10)(Column 5 lines 50-63).

42. As per claim 49, Blum teaches the method of claim 31, but fails to teach said act of receiving, by at least one analysis module, an unknown work includes receiving a plurality of streaming sources for analysis at different access points of the network. Abecassis teaches said act of receiving, by at least one analysis module, an unknown work includes receiving a plurality of streaming sources for analysis at different access points of the network. (column 11 lines 1-19). It would have been obvious at the time of invention to implement the teaching of Abecassis in the invention of Blum in order to come up with plurality of streaming sources for analysis at different access points of the network. The motivation for doing so would have been for getting faster representations since there are plurality of different access points.
43. As per claim 56, Blum teaches the system of claim 52, further including means for generate a play list of identified works received from but does not explicitly show different access points of the network in approximately real time. Abecassis teaches different access points of the networking approximately real time (column 11 lines 1-19). It would have been obvious at the time of invention to implement the teaching of Abecassis in the invention of Blum in order to show different access points in real time. The motivation for doing so would have been to for getting faster representation since there are pluralities of different access points in real time.

Claims 29-30,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blum and Abecassis et al. as applied to claims 18,27,28,49,56 above, and further in view of Brouwer et al. U.S. Patent # 6,279,124 (hereinafter Brouwer).

44. As claim 29, Blum, and Abecassis teaches the system of claim 27, wherein said at least one analysis module is further configured to but does not explicitly teach purge a corresponding representation once an identification is received. Brouwer teaches purging a corresponding representation once an identification is received (column 30 lines 40-50). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement Brouwer invention in the invention of Blum, and Abecassis's invention to purge the corresponding representation. The motivation for doing so would have been to recover drive space or because it has been saved into back up media.
45. As per claim 30, Blum, and Abecassis teaches the system of claim 29, wherein said at least one analysis module is further configured to but does not explicitly teach purge a corresponding representation in approximately real time once an identification is received. Brouwer teaches purge a corresponding representation in approximately real time once an identification is received (column 30 lines 40-50). It would have been obvious at the time of applicant's invention to implement Brouwer's invention in the invention of Blum and Abecassis's invention to purge the corresponding representation in real-time. The motivation for doing would have been to recover drive space or because it has been saved into back up media in approximately real-time.

46. As per claim 35, Blum and Abecassis teaches the method of claim 34, but does not explicitly teach comprising the act of purging, by said at least one analysis module, at least one file corresponding stored to said identification. Brouwer teaches the act of purging, by said at least one analysis module, at least one file corresponding stored to said identification. (column 30 lines 40-50). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement Brouwer invention in the invention of Blum, and Abecassis's invention to purge the representation. The motivation for doing so would have been to recover drive space or because it has been saved into back up media.

Claims 19,20,21,22,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blum in view of Official Notice.

47. As per claim 19, Blum teaches a system of claim 1, wherein said at least one analysis module is configured to provide said representations to said at least one ID server but does not explicitly teach predetermined time interval. "Official Notice" is taken that providing representations at a predetermined time interval is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement Blum's system with providing representations at a predetermined time interval in order to provide representations at an exact time interval at which the representation will be provided.

48. As per claim 20, Blum teaches the system of claim 19, but does not explicitly

teach predetermined time interval comprises at least once a day. "Official Notice" is taken that providing representations at a predetermined time interval, which comprises at least once a day, is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement Blum's system with providing representations at a predetermined time interval which is at least once a day in order to provide representations at an exact time interval at which the representation will be provided.

49. As per claim 21, Blum teaches the system of claim 19, but does not explicitly teach said predetermined time interval comprises approximately once an hour. "Official Notice" is taken that providing representations at a predetermined time interval, which comprises approximately once an hour is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Blum's system with providing representations at a predetermined time interval which is approximately once an hour in order to provide representations at an exact time interval at which the representation will be provided.

50. As per claim 22, Blum teaches the system of claim 19, wherein at least one analysis module is configured to provide said representations to said at least one ID server but does not explicitly teach approximately real time. "Official Notice" is taken that providing representations at approximately real time is old and well known. It would have been obvious to one of ordinary skill in the art at the time

of applicant's invention to implement Blum's system with providing representations at approximately real time in order to provide representations at an exact time interval at which the representation will be provided.

51. As per claim 23, Blum teaches the system of claim 19, wherein said at least one analysis module is configured to provide said representations to said at least one ID server based on an out-of-band event. (Column 5 lines 64-67) (Column 6 lines 1-5).

52. As per claim 50, Blum teaches the method of claim 31, wherein said act of sending, by said at least one analysis module, said representation to at least one identification server but does not explicitly teach is performed in approximately real time. "Official Notice" is taken that sending representations is performed in approximately real time is old and well known. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Blum's system with sending representations is performed in approximately real time in order to send representations at an exact time interval at which the representation will be sent.

Claims 9,10,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over blum et al. in view of Lai et al. U.S. Patent # 6,006,183 (hereinafter Lai).

53. As per claim 9, Blum teaches the system of claim 1, but fails to teach the corresponding representation comprises the text output of a speech recognition system. Lai teaches corresponding representation comprises the text output of a speech recognition system. (Column 4 lines 1-11). It would have been obvious



to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Blum in order to come up with corresponding representation comprising text output. The motivation for doing so would have been to assign score to the words or text from the output. (column 4 lines 1-11).

54. As per claim 10, Blum teaches the system of claim 1, but fails to teach the corresponding representation comprises the musical score output of a music transcription system. Lai teaches corresponding representation comprises the musical score output of a music transcription system. (Column 4 lines 1-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Blum in order to come up with corresponding representation comprising musical score output. The motivation for doing so would have been because score reflects the level of confidence of the translation of the corresponding representations. (Column 4 lines 1-25).

55. As per claim 14, Blum teaches the system of claim 1, but fails to teach ID server is configured to identify unknown work using the text output of a speech recognition system. Lai teaches ID server is configured to identify unknown work using the text output of a speech recognition system. (Column 4 lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Blum in order to identify the unknown work using text output. The motivation for doing so would have been to assign score to the words or text from the output. (column 4 lines 1-11).

56. As per claim 15, Blum teaches the system of claim 1, but fails to teach ID server is configured to identify unknown work using the musical score output of a music transcription system. Lai teaches ID server is configured to identify unknown work using the musical score output of a music transcription system. (column 4 lines 1-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Blum in order to identify the unknown work using musical score output. The motivation for doing so would have been because score reflects the level of confidence of the translation of the corresponding representations of the unknown work. (Column 4 lines 1-25).

57. As per claim 40, Blum teaches the method of claim 31, but fails to teach the representation comprises the text output of a speech recognition system. Lai teaches representation comprises the text output of a speech recognition system. (column 4 lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Blum in order to come up with representation comprising text output. The motivation for doing so would have been to assign score to the words or text from the output. (column 4 lines 1-11).

58. As per claim 41, Blum teaches the method of claim 31, but fails to teach the representation comprises the musical score output of a music transcription system. Lai teaches representation comprises the musical score output of a music transcription system. (column 4 lines 1-25). It would have been obvious

to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Blum in order to come up with representation comprising musical score output. The motivation for doing so would have been because score reflects the level of confidence of the translation of the representations. (Column 4 lines 1-25).

59. As per claim 45, Blum teaches the method of claim 32, but fails to teach said act of identifying is performed using the text output of a speech recognition system. Lai teaches said act of identifying is performed using the text output of a speech recognition system. (column 4 lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Blum in order to identify the unknown work using text output. The motivation for doing so would have been to assign score to the words or text from the output. (column 4 lines 1-11).

60. As per claim 46, Blum teaches the method of claim 32, but fails to teach said act of identifying is performed using the musical score output of a music transcription system. Lai teaches said act of identifying is performed using the musical score output of a music transcription system. (column 4 lines 1-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Lai in the invention of Blum in order to identify the unknown work using musical score output. The motivation for doing so would have been because score reflects the level of confidence of the translation of the representations of the unknown work. (Column 4 lines 1-25).

**Conclusion**

61. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a). "Speech Recognition Confidence level display" U.S. Patent # 6,006,183 by Lai, Jennifer.
- b). "Method and system for testing hardware and/or software applications U.S. Patent # 6,279,124 by Brouwer, Derek.
- c). "Method and article of manufacture for content-based analysis, storage, retrieval, and segmentation of audio information" U.S. Patent # 5,918,223 by Blum, Thomas.
- d). "File transfers using playlists" U.S. patent # 6,026,439 by Chowdhury, Shyamal.
- e) "Integration of Music from a personal library with real-time information" U.S. Patent # 6,192,340 by Abecassis, Max.

62. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

63.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A Patel whose telephone number is (571) 272-4066. The examiner can normally be reached on 8:30-5:00 Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP

  
ZARNI MAUNG  
PRIMARY EXAMINER